

EXHIBIT B

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

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ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

Case No.:

vs.

2:22-cv-00125

CHARTER COMMUNICATIONS, INC.,

Defendant.

-----*

STENOGRAPHIC AND VIDEO-RECORDED

DEPOSITION OF DANIEL BOGLIOLI

Friday, August 11, 2023

10:09 a.m.

Stenographically recorded by:

Josephine H. Fassett, RPR, CCR

Job No. 6050918

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<p>1 CONFIDENTIAL</p> <p>2 Friday, August 11, 2023</p> <p>3 10:09 a.m.</p> <p>4</p> <p>5 T R A N S C R I P T of the stenographic and</p> <p>6 video-recorded deposition of DANIEL BOGLIOLI,</p> <p>7 pursuant to the Federal Rules of Civil Procedure,</p> <p>8 held at the offices of ARNOLD & PORTER LLP, 250 West</p> <p>9 55th Street, New York, New York, on Friday, August</p> <p>10 11, 2023, commencing at approximately 10:09 a.m.,</p> <p>11 stenographically recorded by Josephine H. Fassett, a</p> <p>12 Registered Professional Reporter, Certified Court</p> <p>13 Reporter, and Notary Public of the states of New</p> <p>14 York and New Jersey.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 CONFIDENTIAL</p> <p>2 -----INDEX-----</p> <p>3 WITNESS PAGE</p> <p>4 DANIEL BOGLIOLI</p> <p>5 By Mr. Shimota 10</p> <p>6</p> <p>7 AFTERNOON SESSION - 167</p> <p>8</p> <p>9 -----EXHIBITS-----</p> <p>10 EXHIBIT DESCRIPTION PAGE</p> <p>11 Exhibit 1 Plaintiff's Notice of Deposition 8</p> <p>12 of Dan Boglioli</p> <p>13 Exhibit 2 Notice of Deposition of Charter 8</p> <p>14 Communications, Inc. Pursuant to</p> <p>15 Federal Rule of Civil Procedure</p> <p>16 30(b)(6)</p> <p>17 Exhibit 3 Plaintiff's Supplemental Notice 8</p> <p>18 of 30(b)(6) Deposition of Charter</p> <p>19 Communications, Inc.</p> <p>20 Exhibit 4 Email Exchange, Bates 57</p> <p>21 CHARTER_ENTROPIC 00476830 to</p> <p>22 CHARTER_ENTROPIC 00476831</p> <p>23 Exhibit 5 Defendant's Objections and 87</p> <p>24 Responses to Plaintiff's Third Set</p> <p>25 of Interrogatories (No.22)</p>
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<p>1 CONFIDENTIAL</p> <p>2 APPEARANCES:</p> <p>3 ATTORNEYS FOR PLAINTIFF:</p> <p>4 K&L GATES LLP</p> <p>5 70 West Madison Street</p> <p>6 Suite 3300</p> <p>7 Chicago, Illinois 60602</p> <p>8 312.372.1121</p> <p>9 BY: JAMES A. SHIMOTA, ESQ.</p> <p>10 jim.shimota@klgates.com</p> <p>11 NICHOLAS F. LENNING, ESQ. (Seattle office)</p> <p>12 nicholas.lenning@klgates.com</p> <p>13</p> <p>14 ATTORNEYS FOR DEFENDANT:</p> <p>15 ARNOLD & PORTER LLP</p> <p>16 250 West 55th Street</p> <p>17 New York, New York 10019-9710</p> <p>18 212.836.8000</p> <p>19 BY: DANIEL L. REISNER, ESQ.</p> <p>20 daniel.reisner@arnoldporter.com</p> <p>21</p> <p>22 ALSO PRESENT:</p> <p>23 CARLOS KING, Videographer</p> <p>24</p> <p>25</p>	<p>1 CONFIDENTIAL</p> <p>2 -----EXHIBITS-----</p> <p>3 EXHIBIT DESCRIPTION PAGE</p> <p>4 Exhibit 6 Charter's Fifth Supplemental 98</p> <p>5 Objections and Responses to</p> <p>6 Plaintiff's Second Set of</p> <p>7 Interrogatories (No. 7)</p> <p>8 Exhibit 7 Defendant's Objections and 118</p> <p>9 Responses to Plaintiffs' Second</p> <p>10 Set of Interrogatories (Nos. 6 to</p> <p>11 21)</p> <p>12 Exhibit 8 Defendant's Supplemental 139</p> <p>13 Objections and Responses to</p> <p>14 Plaintiffs' Fourth Set of</p> <p>15 Interrogatories (Nos. 37 & 38)</p> <p>16 Exhibit 9 Email, Bates 147</p> <p>17 CHARTER_ENTROPIC00480403</p> <p>18 Exhibit 10 Defendant's First Supplemental 153</p> <p>19 Objections and Responses to</p> <p>20 Plaintiff's First Set of</p> <p>21 Interrogatories (No. 2)</p> <p>22 Exhibit 11 U.S. Patent 8,223,775 155</p> <p>23 Exhibit 12 U.S. Patent 8,792,008 155</p> <p>24 Exhibit 13 U.S. Patent 9,825,826 155</p> <p>25 Exhibit 14 U.S. Patent 10,135,682 155</p>

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<p style="text-align: right;">Page 70</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 MR. REISNER: I'm going to caution the</p> <p>3 witness not to reveal attorney-client</p> <p>4 communications or work product.</p> <p>5 If you know based on a position that</p> <p>6 was set forth in interrogatory responses --</p> <p>7 MR. SHIMOTA: Can you get the rog</p> <p>8 responses -- I'm sorry, I spoke over you.</p> <p>9 MR. REISNER: Yeah, that's fine. Go</p> <p>10 ahead.</p> <p>11 A. I don't know when we served our rog</p> <p>12 responses. I know at some point we served rog</p> <p>13 responses that stated we believed that the</p> <p>14 MaxLinear products were accused. But our belief</p> <p>15 and somewhat acknowledging our belief are two</p> <p>16 completely different things.</p> <p>17 Q. So do you know one way or the other</p> <p>18 whether Charter had taken a position as to whether</p> <p>19 or not the MaxLinear chips were non-infringing</p> <p>20 before June of 2023?</p> <p>21 A. I don't.</p> <p>22 Q. Okay. Do you know whether Entropic, my</p> <p>23 client, had taken a position whether the MaxLinear</p> <p>24 chips were licensed before June of 2023?</p> <p>25 A. I don't.</p>	<p style="text-align: right;">Page 72</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 Q. Your other vendors have met with</p> <p>3 attorneys from Arnold & Porter?</p> <p>4 A. I believe so.</p> <p>5 Q. Okay. And do you know the other vendors</p> <p>6 with whom -- who have met with Arnold & Porter?</p> <p>7 A. I don't.</p> <p>8 Q. Has -- do you know if Technicolor has</p> <p>9 met with Arnold & Porter?</p> <p>10 A. I don't.</p> <p>11 Q. How would you be able to find that out?</p> <p>12 MR. REISNER: I'm objecting that</p> <p>13 that's not within the scope of the</p> <p>14 30(b)(6).</p> <p>15 A. I don't know. I have to talk to my</p> <p>16 outside counsel.</p> <p>17 Q. Do you know if Mr. Abramov had any other</p> <p>18 conversations with Mr. Katz?</p> <p>19 A. I think there was a second phone call.</p> <p>20 Q. Okay. And what occurred on the second</p> <p>21 phone call?</p> <p>22 A. Mr. Katz asked Mr. Abramov to have a</p> <p>23 discussion with Boris Teksler. I think that's the</p> <p>24 way you say his name.</p> <p>25 Q. Yep. That's correct.</p>
<p style="text-align: right;">Page 71</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 Q. Do you know if Mr. Abramov knew that?</p> <p>3 A. I don't know what Mr. Abramov knew.</p> <p>4 Q. So when you had your conversation,</p> <p>5 Mr. Abramov's position is that he wanted to</p> <p>6 understand how MaxLinear chips worked in June of</p> <p>7 2023, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And as a consequence of his desire to</p> <p>10 understand how MaxLinear chips worked, he asked</p> <p>11 Mr. Katz if he could meet with MaxLinear engineers</p> <p>12 prior to MaxLinear depositions; is that correct?</p> <p>13 A. That wasn't my testimony.</p> <p>14 Q. What is your testimony?</p> <p>15 A. That he asked for access to MaxLinear</p> <p>16 engineers for outside counsel. I don't know that</p> <p>17 it related to the depositions. I think</p> <p>18 depositions were discussed on the call but I don't</p> <p>19 believe the request was in connection with the</p> <p>20 depositions.</p> <p>21 Q. So Mr. Abramov asked if MaxLinear</p> <p>22 engineers could meet with attorneys from Arnold &</p> <p>23 Porter; is that correct?</p> <p>24 A. That's correct. As our other vendors</p> <p>25 have.</p>	<p style="text-align: right;">Page 73</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 All right. Let's go back real quickly.</p> <p>3 We talked about your meeting with</p> <p>4 Mr. Petersen and the shutdown of PMA, right?</p> <p>5 A. Okay.</p> <p>6 Q. Okay? And you said that that was done</p> <p>7 this Thursday and that was as a consequence of</p> <p>8 problems associated with downstream PMA, correct?</p> <p>9 A. I think it was done on Wednesday.</p> <p>10 Q. On Wednesday. Okay.</p> <p>11 Was there, like, is there any -- was</p> <p>12 there any documentation or anything sent to the</p> <p>13 group indicating that this shutdown of downstream</p> <p>14 PMA was occurring?</p> <p>15 A. I don't know. I think he said he</p> <p>16 discussed it in his staff meeting.</p> <p>17 Q. Are there any minutes from the staff</p> <p>18 meeting?</p> <p>19 A. I don't believe so.</p> <p>20 Q. Has there been any follow-up to the</p> <p>21 group saying stop, no more work on PMA?</p> <p>22 A. Since Wednesday?</p> <p>23 Q. Yes.</p> <p>24 A. I don't know what -- what's happened</p> <p>25 since then.</p>

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<p style="text-align: right;">Page 74</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 Q. Do you know if there are any emails to</p> <p>3 inform people about the shutdown of downstream</p> <p>4 PMA?</p> <p>5 A. I don't.</p> <p>6 Q. Do you know if there was any analysis</p> <p>7 done prior to Wednesday regarding the pros and</p> <p>8 cons of shutting down PMA?</p> <p>9 A. I think Mr. Stafford spoke to those.</p> <p>10 There were -- there were reports that stalled the</p> <p>11 project in May, based on problems they were</p> <p>12 having. The project had been deployed for proof</p> <p>13 of concept on 500 modems and future deployment</p> <p>14 past the 500 had been stalled since May --</p> <p>15 Q. Yeah.</p> <p>16 A. -- based on problems they were having.</p> <p>17 I think Mr. Stafford testified to that.</p> <p>18 Q. Yeah, but from the point of -- from the</p> <p>19 point of the stalling of downstream PMA to this</p> <p>20 Wednesday, were there any analyses done to the</p> <p>21 pros and cons of shutting down downstream PMA?</p> <p>22 A. I don't know.</p> <p>23 Q. Okay. Do you know if there's any</p> <p>24 documents, you know, regarding the decision to go</p> <p>25 from a stall of downstream PMA to a shutdown</p>	<p style="text-align: right;">Page 76</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 Q. So do you know -- so there -- with the</p> <p>3 downstream PMA there you said they found some</p> <p>4 problems with it, right?</p> <p>5 A. That's my understanding.</p> <p>6 Q. Okay. And do you know if Mr. Petersen's</p> <p>7 group -- what was Mr. Petersen's group again, do</p> <p>8 you know?</p> <p>9 A. I think it's advanced engineering.</p> <p>10 Q. Okay. Do you know if advanced</p> <p>11 engineering is doing any work to solve the</p> <p>12 problems with downstream PMA?</p> <p>13 A. There's no more development or</p> <p>14 deployment. Charter's not doing anymore</p> <p>15 development or deployment, so it would not be</p> <p>16 continuing to attempt to solve problems with</p> <p>17 downstream PMA.</p> <p>18 Q. How do you know that?</p> <p>19 A. Because that's what the ceasing of</p> <p>20 development means, it's not doing any further work</p> <p>21 on downstream PMA.</p> <p>22 Q. Is there any plan to -- so what was the</p> <p>23 purpose? Do you have any idea what the purpose of</p> <p>24 downstream PMA was?</p> <p>25 A. Oh, I don't know. You're...</p>
<p style="text-align: right;">Page 75</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 between May and today?</p> <p>3 A. Not that I'm aware of.</p> <p>4 Q. When you say "not that I'm aware of," is</p> <p>5 that something that -- is it an "I don't know" or</p> <p>6 you just --</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. All right.</p> <p>9 MR. REISNER: Let's try not to talk</p> <p>10 over each other.</p> <p>11 MR. SHIMOTA: Sorry. I apologize.</p> <p>12 MR. REISNER: Both you guys.</p> <p>13 MR. SHIMOTA: Yeah.</p> <p>14 Q. Is there anyone at -- who would you ask</p> <p>15 if there were documents regarding the decision to</p> <p>16 go from a stall of downstream PMA to a shutdown?</p> <p>17 A. Probably Mr. Petersen.</p> <p>18 Q. When you spoke with him in preparation</p> <p>19 for your deposition, did you ask him if there were</p> <p>20 documents regarding the decision to go from the</p> <p>21 stall to the shutdown of downstream PMA?</p> <p>22 A. I did not.</p> <p>23 Q. Okay. Why not?</p> <p>24 A. Because it wasn't a topic for my</p> <p>25 deposition.</p>	<p style="text-align: right;">Page 77</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 Q. Do you know if the problems were</p> <p>3 insurmountable with downstream PMA; unfixable?</p> <p>4 A. All Mr. Petersen said is in the current</p> <p>5 format it was not deployable. On a large scale.</p> <p>6 Q. Is there a format where it would be</p> <p>7 deployable on a large scale?</p> <p>8 A. They did not have a solution of where it</p> <p>9 was deployable on a large scale.</p> <p>10 Q. Okay. Were there plans to find that</p> <p>11 solution to deploy it on a large scale?</p> <p>12 A. Before the shutdown?</p> <p>13 Q. Correct, yes, before the shutdown.</p> <p>14 A. I think it was stalled before the</p> <p>15 shutdown.</p> <p>16 Q. Before the stall, were there plans to</p> <p>17 work on a format to deploy it at a large scale?</p> <p>18 A. I think that's what the proof of concept</p> <p>19 was.</p> <p>20 Q. Okay.</p> <p>21 A. Was the beginning of an effort to try to</p> <p>22 see if it was deployable.</p> <p>23 Q. Okay. Are there any plans to come up</p> <p>24 with a replacement for downstream PMA to achieve</p> <p>25 the same goals or the same functions of it?</p>

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<p style="text-align: right;">Page 78</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 A. Not at this time.</p> <p>3 Q. How do you know that?</p> <p>4 A. Mr. Petersen said so.</p> <p>5 Q. Do you know how much money was spent on</p> <p>6 downstream PMA, the development of downstream PMA?</p> <p>7 A. I don't. I believe Mr. Stafford</p> <p>8 testified to that.</p> <p>9 Q. Okay. Do you know if the decision to</p> <p>10 shut down some of the functionality accused in</p> <p>11 this case has reached higher level executives like</p> <p>12 the CEO of Charter?</p> <p>13 A. I don't believe it has.</p> <p>14 Q. Okay. Did the advanced engineering</p> <p>15 group -- well, or did they -- was there any -- has</p> <p>16 it reached executive vice presidents?</p> <p>17 A. I don't know.</p> <p>18 Q. Okay. Did advanced engineering consult</p> <p>19 with any attorneys before making the decision to</p> <p>20 shut down downstream PMA?</p> <p>21 A. So it didn't consult with attorneys with</p> <p>22 respect to the shutdown. I mean, I've spoken to</p> <p>23 Mr. Petersen, but I was not involved in the</p> <p>24 decision to shut down PMA.</p> <p>25 Q. Were you involved in the decision to</p>	<p style="text-align: right;">Page 80</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 PMA for the life of the '682 patent?</p> <p>3 A. I don't know. That would depend on a</p> <p>4 lot of things.</p> <p>5 Q. What would it depend on?</p> <p>6 A. If we were found to infringe.</p> <p>7 Q. Well, so, but my question is: Before</p> <p>8 you were found to infringe, would you be willing</p> <p>9 to enter into an agreement today that you would</p> <p>10 never use downstream PMA during the life of the</p> <p>11 '682 patent?</p> <p>12 A. I don't know.</p> <p>13 Q. What would you need to know to answer</p> <p>14 that question?</p> <p>15 A. I don't know what I need to know, I</p> <p>16 haven't thought about it.</p> <p>17 Q. So if we were in front of a jury in</p> <p>18 Texas today and if I asked you whether Charter</p> <p>19 would be willing to enter into an agreement which</p> <p>20 forbid it from using downstream PMA for the life</p> <p>21 of the '682 patent, your testimony to the jury</p> <p>22 would be you don't know, correct?</p> <p>23 A. I'd say it would depend on a lot of</p> <p>24 things. I don't know. It's not something I would</p> <p>25 do.</p>
<p style="text-align: right;">Page 79</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 stall downstream PMA?</p> <p>3 A. I didn't even know it was stalled.</p> <p>4 Q. Okay. Were any attorneys involved with</p> <p>5 the decision to stall downstream PMA?</p> <p>6 A. No.</p> <p>7 Q. Was there any -- is there any</p> <p>8 documentation regarding the decision to stall</p> <p>9 downstream PMA?</p> <p>10 A. I believe Mr. Stafford produced a</p> <p>11 bunch -- provided a bunch of documents that were</p> <p>12 produced. I don't know what was in those</p> <p>13 documents.</p> <p>14 Q. Anything else other than Mr. -- aside</p> <p>15 from what Mr. Stafford has produced, are there any</p> <p>16 other documents of which you're aware regarding</p> <p>17 the decision to stall downstream PMA?</p> <p>18 A. Not that I'm aware of.</p> <p>19 Q. Okay. Before the stalling of downstream</p> <p>20 PMA, did anyone in legal ask if it could be, if</p> <p>21 downstream PMA could be shut down?</p> <p>22 A. No.</p> <p>23 Q. Given where things sit with downstream</p> <p>24 PMA, would Charter be willing to enter into an</p> <p>25 agreement which forbid it from using downstream</p>	<p style="text-align: right;">Page 81</p> <p>1 CONFIDENTIAL - BOGLIOLI</p> <p>2 Q. What would you tell the jury it would</p> <p>3 depend on?</p> <p>4 A. Whether we were -- whether we infringed.</p> <p>5 The value of a license. Whether we needed it.</p> <p>6 Whether there were other things we could do like</p> <p>7 exclusion bands.</p> <p>8 Q. What do you mean by exclusion bands?</p> <p>9 A. Another way to obtain a similar effect</p> <p>10 is to just simply exclude frequencies on which</p> <p>11 you're having a lot of ingress. It does a similar</p> <p>12 thing to PMA, I understand, but by a different</p> <p>13 mechanism. I'm not an expert on exclusion bands.</p> <p>14 Q. But is that -- how did you learn about</p> <p>15 exclusion bands?</p> <p>16 A. Mr. Petersen.</p> <p>17 Q. Okay. Is that -- is Charter working on</p> <p>18 exclusion bands right now?</p> <p>19 A. I think Charter has exclusion bands in</p> <p>20 place right now. Or is looking into it. I don't</p> <p>21 know.</p> <p>22 Q. When did Mr. Petersen tell you about the</p> <p>23 exclusion bands?</p> <p>24 A. I believe it was that phone call. It</p> <p>25 was one of the phone calls. I had a lot of phone</p>